

## **RIVERS MANAGEMENT ADVISORY COMMITTEE**

### **Meeting Minutes**

October 2, 2003

PSNH Energy Park

780 North Commercial Street, Manchester, NH

Merrimack Room 9:00 am –12:30 pm

Members Present: Ken Kimball, Chairman, Recreational Interests  
Michele Tremblay, Vice Chairwoman, Conservation Interests  
Bob Beaurivage, Public Water Suppliers  
Ben Frost, Office of State Energy and Planning  
Ben Haubrich, Dept of Resources and Economic Development  
Deborah Hinman, Conservation Commissions  
James Jones, NH Fish & Game Commission  
Allan Palmer, Business and Industry Association  
Jamie Robertson, Agricultural Interests  
Wesley Stinson, Historical & Archaeological Interests

Members Absent: Bill Ingham, Fish & Game Department  
George Lagassa, Granite State Hydropower  
Gail McWilliam, Department of Agriculture  
Ted Sutton, Municipal Government

Others Present: Mark Wamser

DES Staff Present: Paul Currier, Administrator, Watershed Management Bureau  
Steve Couture, Rivers Coordinator, Watershed Mgmt Bureau  
Rick Chormann, NH Geological Survey  
Stephanie Lindloff, River Restoration Coordinator, Dam Bureau  
Bobbi Benedict, Admin. Asst. , Water Division

#### **I. Archeology of Amoskeag Falls, Wesley Stinson**

Wesley Stinson, Director of the Sargent Museum, guided the committee members to the Amoskeag Falls outlook where he described the work taking place at the Sargent Museum in cataloguing artifacts from the Howard R. Sargent collection. Mr. Stinson detailed several archeological finds recently unearthed around the Merrimack River and explained their importance in developing a history and understanding of the early settlers in New Hampshire. The committee members thanked Mr. Stinson for the informative presentation and proceeded to the PSNH conference center.

- The committee members expressed appreciation for PSNH's hospitality in hosting the committee's October meeting.

Chairman, Ken Kimball, opened the meeting at 10:05 a.m.

#### **II. Introductions**

Two recently-appointed members to the RMAC were welcomed to the committee: Allan Palmer of PSNH, representing the Business and Industry Association, and James Jones, representing the Fish and Game Commission.

### III. Acceptance of June 12, 2003 Minutes

After discussion of the June 12, 2003 minutes, it was noted on page 5, VI. that the Hooksett property designation should be LCIP.

***A motion was made by Ms. Tremblay to accept the minutes as corrected. Ms. Hinman seconded the motion and it was unanimously voted.***

### IV. Correspondence

Dr. Kimball explained that in accordance with agreed procedures and after discussions with Michele Tremblay and Steve Couture, a letter was prepared commenting on draft mitigation rules being proposed by the Wetlands Bureau. The RMAC recommended that state designated rivers be added to Table 800-1 in section Wt 802.05 to specify "Creation In-kind" ratios of 3:1, "Restoration In-kind" ratios of 2:1 and "Preservation of Upland Buffer" ratios of 15:1. It was further suggested that language should be included requiring creation, restoration, or buffer preservation within the watershed of a designated river. A copy of the letter was circulated via e-mail to committee members. No comments were received prior to the stated deadline, and the letter was submitted to the Wetlands Bureau.

### V. State Dam Removal Program

Stephanie Lindloff, DES River Restoration Coordinator, updated the committee on DES's river restoration and dam removal program. She showed a slide of a dam removal project currently in progress on the Bearcamp River in South Tamworth. Although the timber spillway had been removed, technically it was considered a dam because 20' high piers were still in place which had impounded about fourteen feet of debris. Removal of the dam reconnected about 28 miles of river from the Sandwich Range wilderness of the White Mountains to Ossipee Lake. Several sources of funding, both public and private, went into this project with a significant portion of the funding coming from PSNH through a newly established chapter of the Corporate Wetlands Restoration Partnership.

Stephanie explained that the State Dam Plan Removal Development Advisory Team was formed in June 2001 through a federal grant from the Bureau of Emergency Management. The Advisory Team was asked to develop guidelines to regulatory requirements and a methodology to prioritize dam removal projects. A 27-page web-based document, *Guidelines to Regulatory Requirements*, was produced and is available online. This document is designed to walk an applicant through the permit application process. A second document, *Procedure to Prioritize Potential Dam Removal Projects*, was developed to permit rapid assessment of dam projects submitted to state agencies and to prioritize the projects for receipt of limited funding and/or technical assistance. This document is not available online. Stephanie emphasized that there was no attempt to rank all the dams in the state, estimated to be about 4,800, but only those projects which have been identified by dam owners and/or affected communities for removal.

The next step in the dam prioritization process is to assemble a diverse representative advisory group which would be comprised of members of the advisory committee who developed the prioritization plan and the River Restoration Task Force. Stephanie, in

her capacity as River Restoration Coordinator, will develop qualitative information on each of the projects and provide the information to the Dam Removal Prioritization Advisory Team (DRPAT). The team will collaboratively assign values to criteria set forth in the *Procedure* document and rank the projects relative to each other. Criteria include (1) dam owner willingness, (2) hazard mitigation and public safety, (3) ecological value, (4) cultural value (5) recreational value, and (6) project feasibility.

The DES Dam Bureau also is in the process of rewriting its rules which expire in February 2005. A rules advisory committee will be formed to assist with that project and Stephanie advised the RMAC that she has requested that a representative be appointed from the RMAC. Proposed changes to the rules will include a new section on dam removal procedures, the addition of a definition for "dam removal" (as opposed to "dam breaching"), an expansion of the definition of "impoundment" to include not only water but also sediment and other impounded materials, and the incorporation of environmental criteria in dam hazard classification.

Dam hazard classification is not related to the condition of the dam but to the potential hazard that a dam failure would present in terms of loss of life, property damage, and blockage of emergency vehicle passageways. FEMA has recommended the incorporation of environmental criteria in hazard classification for several years. One of the areas under consideration is whether or not a dam is located on a state designated river and Stephanie asked the RMAC to consider four questions in that regard:

1. Is it appropriate to bump up dam safety oversight because the dam is on a designated river?
2. Should dams upstream of designated rivers also be considered (e.g., tributaries) if the dam's breach flow could damage the designated river?
3. Should only certain RMPP classifications be incorporated?
4. Are there alternative regulatory approaches that may better meet our goals (e.g., require owners to follow certain operational guidelines)?

Dr. Kimball suggested that the committee select a delegate to represent the RMAC on the rules advisory committee in advance of a formal invitation since the committee will not be meeting again prior to the time the advisory committee is expected to be formed. Stephanie indicated that the rules advisory committee will be looking to the RMAC representative specifically to provide input regarding the four questions set forth in her presentation. Steve Couture advised that he would forward a copy of the questions to each RMAC member.

***Ms. Hinman moved to elect Michele Tremblay to represent the RMAC on the Dam Bureau rules advisory committee contingent on receipt of an invitation from the Department of Environmental Services, Dam Bureau to have an RMAC member serve. Mr. Palmer seconded the motion and it was unanimously voted.***

Ms. Tremblay thanked the members for the vote. She explained that although most of the guidance for her representation will come from RSA 483, she would appreciate receiving comments from the members on the questions posed by Stephanie.

Dr. Kimball requested that Stephanie forward a copy of the proposed rules to the members electronically as soon as they are available for distribution. Mr. Palmer requested that a copy of the existing rules also be sent to the committee members.

There was considerable discussion on the proposed dam removal prioritization project. Stephanie explained that she currently is working on between 15-20 dam removal projects and it would be the job of the advisory team to determine which projects will receive funding and/or technical assistance. The majority of the projects do not present a significant safety hazard and, therefore, the advisory team generally would be looking to other criteria in determining dam removal priority.

- Michele Tremblay advised the members that she has organized a meeting which will include a dam removal/stream restoration panel discussion on Wednesday, October 29. Local communities and municipalities will be able to get information to assist them in determining whether a dam removal project is appropriate for their community. The meeting will be held at the North Conway Grand in North Conway and Ms. Tremblay will e-mail further details to the committee.

#### **VI. Instream Flow Program**

Paul Currier, Administrator of the Watershed Management Bureau, presented an update on the instream flow protection pilot program which was passed in 2002 to include the Lamprey and Souhegan Rivers. The budget which was recently passed by the Legislature includes funding for the Souhegan River only with a report due to the Legislature by December 1, 2008. Rules were adopted by DES on May 29, 2003. The next step is to convene the Instream Flow Technical Review Committee and the Water Management Planning Area Advisory Committee. Mr. Currier advised that the RMAC will play a key role in recommending membership on both committees and letters will be sent out shortly requesting nominations. Once funding for the Lamprey is procured, an Instream Flow Technical Review Committee and Water Management Planning Area Advisory Committee will be appointed for the Lamprey River also. It is likely that there will be a significant overlap in the membership of the technical review committees for the Lamprey and the Souhegan. Mr. Currier commented that the expectation is that the RMAC will consider nominations for both Souhegan committees at its December meeting and make recommendations to DES. DES will then appoint members to the Technical Review Committee and submit RMAC's recommendations for the Water Management Planning Committee to the Governor and Executive Council for appointment, hopefully at the January meeting.

#### **VII. Senate Bill 87 Study Commission**

Jamie Robertson, the RMAC delegate to the SB 87 Study Commission, gave an update on the commission's recent meetings. The commission is charged with the responsibility of studying setback requirements for rivers when spreading biosolids, sludge, and short paper fiber. Mr. Robertson's testimony before the commission echoed DES's letter of testimony submitted to the Senate Environment Committee. RSA 483 specifies setbacks of 250' with a few sites grandfathered at 125'. The grandfather provision expired in the last legislative session, which sparked the creation of the Study Commission. Mr. Robertson asked the committee for guidance in representing the RMAC on the Study Commission and several issues were discussed:

- One method of determining setbacks discussed by the Study Commission would be to leave the setback at 250' and require a property owner to obtain a site specific permit to spread biosolids to 125'. Mr. Robertson indicated that there are data sources available which may be linked in order to facilitate the site analysis process. Another consideration would be who will determine the standards and methods for site specific analysis.
- There is little scientific data available for use in determining setbacks as land spreading is relatively new and there is no agreement on the relative safety of materials being applied to the land.
- It is important to give extra protection to designated rivers and RMAC's position must be consistent with RSA 483.
- Because of the number of variables involved, it might not be possible to do a site specific process because of the lack of resources and additional burden on DES. It may be necessary to choose a setback which can be practically applied to all sites, which potentially would overprotect some sites and underprotect others.
- Mr. Couture recommended that in addition to setbacks, a policy on buffers also needs to be established. Currently there is a 10'-20' buffer default for agriculture. Further, the committee also has a role in advising DES's representatives on the Study Commission regarding the direction they should take.
- Ms. Hinman expressed concerns about carcinogens and metals which are not currently monitored. Also, she is in the process of verifying that the pesticides used in NH are on the list for monitoring.
- Ms. Hinman and Ms. Tremblay advised the committee that the LACs which they represent are opposed to decreasing setback requirements.

Ms. Hinman suggested that Kimberly McCracken from NRCS be invited to attend the next RMAC meeting to discuss aspects of this issue prior to the committee taking a position. Dr. Kimball further suggested that Ms. McCracken be asked to assist with identifying a methodology for site specific testing in the event that is the direction chosen.

#### **VIII. Policy for RMAC Member Representation on Other Committees**

The committee took the following vote to establish a policy for RMAC member representation on other committees:

***Ms. Tremblay made a motion that when any RMAC member is asked to represent the RMAC on other committees or commissions, the RMAC will discuss openly, and as a last resort take a vote on, the direction in which the representative should move. Ms. Tremblay further amended her motion to require that the representative report back to the RMAC either by e-mail or by presentation at an RMAC meeting. Mr. Robertson seconded the motion and it was unanimously voted.***

#### **IX. Briefing of New Members**

Ms. Tremblay suggested that new members be formally briefed and provided with a packet of information prior to his/her first meeting to include the following:

1. RMAC membership list
2. Meeting schedule
3. Minutes from the previous year's RMAC meetings
4. FAQs about the RMAC
5. A cover sheet for the packet

Mr. Palmer suggested that it would be helpful to also include a copy of RSA 483 in the packet and have the packet available to the new member a week or two in advance of the first meeting whenever possible.

The Chairman and Vice Chair will draft a FAQ handout and cover sheet.

#### **X. Rivers Coordinator Update**

Steve Couture, DES Rivers Coordinator, reported on the following:

- Management Plan Inventory  
Mr. Couture is in the process of conducting a management plan inventory to assess where the LACs are with implementation. Funds are available for distribution to the regional planning commission to assist with plan implementation. The inventory will also assist Mr. Couture in coordinating assistance for the LACs and serve as a resource to compare plans.
- Water Conservation Rules  
Due to time constraints, Mr. Couture distributed a written update.
- Permitting Issues  
Mr. Couture is working on a procedure to incorporate comments from LACs on permit applications which he expects to have available for distribution to the committee at the December meeting.
- Mr. Couture suggested inviting an LAC chair to an RMAC meeting to strengthen the connection between LACs and the RMAC and become more attuned to the issues the LACs are tackling. Ms. Tremblay suggested that LACs annual reports should be included in the new member orientation packet.

#### **XI. Meeting Schedule**

The next meeting is scheduled for December 18, 2003.

***A motion was made by Ms. Tremblay, seconded by Mr. Palmer and unanimously voted to adjourn at approximately 12:35 p.m.***